

REMARKS

As a result of the foregoing amendment, claims 7, 8 and 10 were amended to correct incorrect dependencies.

Accordingly, the objection to claims 7-10 should be withdrawn.

Reconsideration and withdrawal of the rejection of claims 1, 2 and 8-12 under 35 U.S.C. 102(b) as being anticipated by Vaccaro, are respectfully requested.

Claim 1 of the application has been amended to make it clear that the sidepieces are spread apart by a movement of the slider from the location where the sidepieces are joined together toward the free ends of the sidepieces.

Support for the language added to claim 1 can be found in paragraph 34 on page 11 of the application.

Applicants submit that the reference to Vaccaro is directed to an implant of a completely different type in which the slider for spreading apart the sidepieces must be inserted from the outside into the space between the sidepieces.

The prior art of record does not disclose or suggest a slider which is exclusively capable of translatory movement as a component of the implant which in its initial position is already arranged between the sidepieces and which, in its end position, supports the spread-apart sidepieces over the entire horizontal width thereof.

In the implant disclosed by the reference to Vaccaro, it is necessary to support the sidepieces over the entire width thereof in order to keep low the surface pressure between the slider and the sidepieces because, during the spreading apart phase, the sidepieces rest against the slider only with their edges.

Clearly, those skilled in the art had no motivation to transfer the feature of the reference to an implant with a slider which is arranged in the initial position thereof between the sidepieces.

Accordingly, it is submitted that claim 1, and the claims depending therefrom, are patentably distinct over the references of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2005.

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